

## DECISION MEMORANDUM

**TO:** COMMISSIONER REDFORD  
COMMISSIONER SMITH  
COMMISSIONER KEMPTON  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** NEIL PRICE  
DEPUTY ATTORNEY GENERAL

**DATE:** FEBRUARY 23, 2009

**SUBJECT:** APPLICATION OF MOMENTUM TELECOM, INC. FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; CASE  
NO. MNT-T-08-02

On August 4, 2008, Momentum Telecom, Inc. (“Momentum” or “Company”) filed an Application for a Certificate of Public Convenience and Necessity pursuant to *Idaho Code* §§ 61-526 through 528, IDAPA 31.01.01.111 and Commission Order No. 26665 to provide facilities-based local exchange and resold interexchange telecommunications services within the state of Idaho. On December 30, 2008, Momentum filed copies of its Local Exchange Telecommunications Tariff, revised in accordance with Staff’s recommendations.

### THE APPLICATION

Momentum is a Delaware corporation and lists its principal place of business as Birmingham, Alabama. Application at 2-3. Momentum is registered with the Idaho Secretary of State as a foreign limited liability company and lists CT Corporation System, 1111 W. Jefferson, Suite 530, Boise, Idaho 83702, as its Idaho registered agent for service. *Id.* at 3. Momentum is a competitive local exchange and long-distance service provider offering its services to approximately 40,000 customers in the following states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. *Id.* at 1-2. Momentum states that it plans to provide telecommunications services in Idaho within six months of Commission authorization. *Id.* at 4.

Momentum “proposes to offer facilities-based local exchange and resold interexchange services to Idaho consumers as well as some wholesale services to other

providers.” *Id.* at 4. Momentum proposes to offer services throughout the State of Idaho in geographic areas currently served by incumbent local exchange carriers (“ILECs”) Qwest Communications and Verizon Northwest Inc. *Id.* The Company states that it will utilize its own “soft switch to provide its facilities based services.” *Id.*

As of the date of its initial filing, Momentum has not negotiated an interconnection agreement with an ILEC in Idaho. *Id.* at 6. The Company’s Application does not seek authority to institute an escrow account because it will not require advanced payments or deposits from its customers. *Id.*

#### **STAFF RECOMMENDATION**

Staff has reviewed Momentum’s Application and recommends that it be processed through Modified Procedure.

#### **COMMISSION DECISION**

Should Momentum’s Application for a Certificate of Public Convenience and Necessity be processed through Modified Procedure?



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Neil Price  
Deputy Attorney General

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